

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Reading)**

In Re:

Jacqueline Amaro

Miguel Amaro

Debtors,

U.S. Bank Trust National Association,
as Trustee of the Cabana Series IV Trust

Movant,

V.

Jacqueline Amaro

Miguel Amaro

Debtors,

and

Scott Waterman, Esquire

Trustee,

Respondents.

**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF THE
CABANA SERIES IV TRUST FOR RELIEF FROM THE AUTOMATIC STAY
AS TO CERTAIN REALTY KNOWN AS
32 S. 14TH STREET, EASTON PA 18042**

1. I, Shonua L Rhodes, am a

Bankruptcy Asset Manager _____ for SN Servicing

Corporation as servicer for U.S. Bank Trust National Association, as Trustee of the

Cabana Series IV Trust (hereinafter “Movant”) have full knowledge of the above-

captioned matter and I am fully qualified and authorized to make the following

Certification in support of the within relief application on behalf of the Movant. This

certification is based on the loan payment records of SN Servicing Corporation.

These records are regularly maintained in the regular course of business and it is the

regular practice to make and maintain these records. These records reflect the loan payments are noted in the records at the time of receipt by persons who regular duties include recording this information. I maintain these records and regularly use and rely upon them in the performance of my duties.

2. Movant is U.S. Bank Trust National Association, as Trustee of the Cabana Series IV Trust (hereinafter “Movant”), and is the proper party in interest.

3. On February 2, 2006, Miguel Amaro executed a Note, and Miguel Amaro and Jacqueline Amaro (hereafter “Debtor”) executed a Mortgage for \$100,000.00 against the property known 32 S. 14th Street, Easton PA 18042 in which Debtors are title holders.

4. 32 S. 14th Street, Easton PA 18042 is the “Subject Property” at issue.

5. Said mortgage was assigned to the Movant on February 6, 2020, and said assignment of mortgage was recorded with the Recorder of Deeds in Northampton County, PA on April 28, 2020, at instrument # 2020010812, and is a matter of public record. (Please see Exhibit A.)

6. Debtors’ Chapter 13 petition was filed on December 10, 2019.

7. The Debtors’ Third Amended Chapter 13 Plan provides for the Debtors to cure the pre-petition arrears of \$44,603.45 through the plan and to make post-petition payments directly to Movant.

8. The pre-petition arrears as listed in Movant’s Proof of Claim, #2-1 are \$44,603.45. The Debtors’ pending Third Amended Chapter 13 plan provides for this exact amount to be paid.

9. Since the filing of the bankruptcy case, the Debtors should have made six (6) mortgage payments to Movant, outside the plan, for the months of January 1, 2020 to June 1, 2020.

10. Since December 10, 2019, the Debtors have made no post-petition payments to Movant.

11. To be current post-petition, the Debtors should have made the following payments:

\$719.11 each due for January 1, 2020 to June 1, 2020.

12. The debtor has incurred late fees of \$51.09 (3 x \$17.03).

13. The post-petition payment history is as follows:

Payment Amount	Date Due	Payment Made	Date Payment Made
\$719.11	1/1/2020	- - -	- - -
\$719.11	2/1/2020		
\$719.11	3/1/2020		
\$719.11	4/1/2020		
\$719.11	5/1/2020		
\$719.11	6/1/2020		
TOTAL		TOTAL	
\$4,314.66		\$0.00	

14. The post-petition arrears are **\$4,365.75**.

15. Movant has a secured claim of \$148,837.50 (per Proof of Claim #14).

16. The Debtor valued the Subject Property at \$75,771.00 per Schedule A/B.

17. Per Schedule D, the Debtor admitted to not having any equity in the Subject Property:

<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> 2.8 Wells Fargo Home Mortgage <small>Creditor's Name</small> </div> <div style="border: 1px solid black; padding: 2px;"> PO Box 14411 Des Moines, IA 50306-3411 <small>Number, Street, City, State & Zip Code</small> </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <small>Describe the property that secures the claim:</small> 32 S 14th St, Easton, PA 18042-4059 </div> <div style="border: 1px solid black; padding: 2px;"> <small>As of the date you file, the claim is: Check all that apply.</small> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <small>Nature of lien. Check all that apply.</small> <input type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input type="checkbox"/> Other (including a right to offset) _____ </div>	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$131,587.86</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">\$75,771.00</div> <div style="border-bottom: 1px solid black;">\$55,816.86</div>
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Who owes the debt? Check one.

☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another
☐ Check if this claim relates to a community debt

18. The Debtor has no equity in the Subject Property.

19. Movant is not adequately protected by the Subject Property.

20. Pursuant to the foregoing, Movant contends that cause exists to grant it relief from the Automatic Stay. Accordingly, Movant is entitled to relief from the automatic stay under 11 U.S.C. §362(d)(1).

21. Movant has cause to have relief from the Automatic Stay effective immediately and such relief should not be subject to the fourteen day period set forth in Bankruptcy Rule 4001(a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen day period.

22. In the event this Court should grant the relief requested, Movant should be relieved of the filing and notice requirements of FRBP 3002.1(b & c) as the mortgage claim would then be under the control of the Mortgagor

23. In addition, reasonable attorney fees and court filing costs will be incurred by Movant for representation in this matter.

24. The other Respondent is the Chapter 13 Trustee appointed in the above-captioned Chapter 13 proceeding.

WHEREFORE, Movant respectfully requests that the Court enter an Order which grants it relief from the Automatic Stay, along with all other relief the Court deems just and equitable under the circumstances.

I CERTIFY under penalty of perjury that the foregoing is true and correct.

Executed on 6/03/20.

Respectfully submitted,

BY: Shonua L Rhodes